

No. 90-762-CFX
Status: GRANTED

Title: Thomas Freytag, et al., Petitioners
v.
Commissioner of Internal Revenue

Docketed:
November 13, 1990

Court: United States Court of Appeals
for the Fifth Circuit

Counsel for petitioner: Sullivan, Kathleen M.

Counsel for respondent: Solicitor General

40 copies mailed 11/13 and recd. 11/14.

Entry	Date	Note	Proceedings and Orders
1	Nov 13 1990	G	Petition for writ of certiorari filed.
3	Dec 10 1990		Order extending time to file response to petition until January 14, 1991.
4	Dec 19 1990		DISTRIBUTED. January 11, 1991
5	Dec 19 1990	X	Brief of respondent Commissioner of Internal Revenue in opposition filed.
6	Dec 28 1990	X	Reply brief of petitioners Thomas Freytag, et al. filed.
8	Jan 14 1991		REDISTRIBUTED. January 18, 1991
9	Jan 22 1991		Petition GRANTED. In addition to the questions presented by the petition the parties are requested to brief and argue the following question: "Does a party's consent to have its case heard by a special tax judge constitute a waiver of any right to challenge the appointment of that judge on the basis of the Appointments Clause, Art. II, Section 2, cl. 2?" *****
10	Jan 25 1991		Record filed.
		*	Certified copy of original record received. (2 boxes).
11	Jan 30 1991		Record filed.
		*	Certified copy of C. A. Proceedings received. (2 volumes).
12	Feb 1 1991	G	Motion of Erwin N. Griswold for leave to appear as amicus curiae filed.
13	Feb 1 1991	D	Motion of Erwin N. Griswold for leave to file amicus curiae brief at the time the brief of the respondent is filed filed.
14	Feb 1 1991	D	Motion of Erwin N. Griswold for leave to participate in oral argument as amicus curiae and for divided argument filed.
15	Feb 7 1991		Petitioner's objection to motions of Erwin N. Griswold for leave to appear as amicus curiae, for leave to file amicus brief at the time the brief of the respondent is filed, and for leave to participate in oral argument filed.
16	Feb 19 1991		Motion of Erwin N. Griswold for leave to appear as amicus curiae GRANTED.
17	Feb 19 1991		Motion of Erwin N. Griswold for leave to file amicus curiae brief at the time the brief of the respondent is filed DENIED.
18	Feb 19 1991		Motion of Erwin N. Griswold for leave to participate in

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			oral argument as amicus curiae and for divided argument DENIED.
19	Feb 27 1991		SET FOR ARGUMENT TUESDAY, APRIL 23, 1991. (2ND CASE)
20	Mar 1 1991		Joint appendix filed.
21	Mar 1 1991		Brief of petitioners Thomas Freytag, et al. filed.
22	Mar 8 1991		Brief amicus curiae of Erwin N. Griswold filed.
23	Mar 22 1991		CIRCULATED.
24	Apr 3 1991	X	Brief of respondent Commissioner of Internal Revenue filed.
25	Apr 5 1991	X	Supplemental brief of respondent Commissioner of Internal Revenue filed.
26	Apr 16 1991	X	Reply brief of petitioners Thomas Freytag, et al. filed.
27	Apr 23 1991		ARGUED.